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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc Appeal No. 710 of 2006

APPELLANT:
Non applicant no. 3 : United India Insurance Co. Ltd.,
Through Divisional Manager,
Katchury chouk, Raipur
District Raipur (C.G.)

VERSUS

RESPONDENTS

1. Ashok Kumar Diwan S/o Ramulal Diwan, aged 38 years, R/o Village Lohargaon (Parsapali), Police Chauki Patewa, Thana Tumgaon, District Mahasamund

2. Dalluram Sahu S/o Hichcharam Sahu, aged 36 years, R/o village Sindhi, Police Chauki Patewa, Thana Tumgaon District Mahasamund (C.G.)

Non-applicants 1& 2

3. Smt. Tijiya Bai Diwan Wd/ Late Shri Dewanram Kanwar, aged 36 years,

4. Mahendra Kumar Diwan S/o Late Shri Dewanram Kanwar, aged 17 years,

5. Ku. Dineshwari Diwan D/o Late Shri Dewanram Kanwar, aged 14 years,

6. Tukeshwar Kumar Diwan S/o Late Shri Dewanram Kanwar, aged 11 years,

7. Siram Diwan S/o Late Shri Shri Ramchandra Diwan, aged 85 years,

8. Smt. Punia Bai Diwan W/o Siram Diwan, aged 58 years,

Nos. 3 to 6 minors, through Wali Mother Smt. Tijiya Bai (No.3)

All R/o village Chaukbeda, Post Bawankera, Police Chauki Patewa, Thana Tumgaon, District Mahasamund (C.G.)

Claimants

Present: Shri Sanjay S. Agrawal, learned counsel for the appellant.

ORAL ORDER
(Passed on 19th July, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

In this appeal preferred by the appellant – Insurance Company, it was contended by the learned standing counsel that the MACT is not justified in fastening the liability to pay compensation on the Insurance Company, because, there was a breach of policy. It is true that such a plea was taken in the written statement filed by the Insurance Company before the MACT, but, it has failed to adduce any evidence to substantiate that plea. The appeal is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge